



Sen. Terry Link

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1 AMENDMENT TO HOUSE BILL 1030

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1030 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unemployment Insurance Act is amended by  
5 changing Sections 235, 403, 409, 1506.3, and 2100 and by adding  
6 Sections 1506.5, and 2108 as follows:

7 (820 ILCS 405/235) (from Ch. 48, par. 345)

8 Sec. 235. The term "wages" does not include:

9 A. With respect to calendar years prior to calendar year  
10 2004, the maximum amount includable as "wages" shall be  
11 determined pursuant to this Section as in effect on January 1,  
12 2006. ~~That part of the remuneration which, after remuneration~~  
13 ~~equal to \$6,000 with respect to employment has been paid to an~~  
14 ~~individual by an employer during any calendar year after 1977~~  
15 ~~and before 1980, is paid to such individual by such employer~~  
16 ~~during such calendar year; and that part of the remuneration~~

1 ~~which, after remuneration equal to \$6,500 with respect to~~  
2 ~~employment has been paid to an individual by an employer during~~  
3 ~~each calendar year 1980 and 1981, is paid to such individual by~~  
4 ~~such employer during that calendar year; and that part of the~~  
5 ~~remuneration which, after remuneration equal to \$7,000 with~~  
6 ~~respect to employment has been paid to an individual by an~~  
7 ~~employer during the calendar year 1982 is paid to such~~  
8 ~~individual by such employer during that calendar year.~~

9 ~~With respect to the first calendar quarter of 1983, the~~  
10 ~~term "wages" shall include only the remuneration paid to an~~  
11 ~~individual by an employer during such quarter with respect to~~  
12 ~~employment which does not exceed \$7,000. With respect to the~~  
13 ~~three calendar quarters, beginning April 1, 1983, the term~~  
14 ~~"wages" shall include only the remuneration paid to an~~  
15 ~~individual by an employer during such period with respect to~~  
16 ~~employment which when added to the "wages" (as defined in the~~  
17 ~~preceding sentence) paid to such individual by such employer~~  
18 ~~during the first calendar quarter of 1983, does not exceed~~  
19 ~~\$8,000.~~

20 ~~With respect to the calendar year 1984, the term "wages"~~  
21 ~~shall include only the remuneration paid to an individual by an~~  
22 ~~employer during that period with respect to employment which~~  
23 ~~does not exceed \$8,000; with respect to calendar years 1985,~~  
24 ~~1986 and 1987, the term "wages" shall include only the~~  
25 ~~remuneration paid to such individual by such employer during~~  
26 ~~that calendar year with respect to employment which does not~~

1 ~~exceed \$8,500.~~

2 ~~With respect to the calendar years 1988 through 2003, the~~  
3 ~~term "wages" shall include only the remuneration paid to an~~  
4 ~~individual by an employer during that period with respect to~~  
5 ~~employment which does not exceed \$9,000.~~

6 With respect to the calendar year 2004, the term "wages"  
7 shall include only the remuneration paid to an individual by an  
8 employer during that period with respect to employment which  
9 does not exceed \$9,800. With respect to the calendar years 2005  
10 through 2009, the term "wages" shall include only the  
11 remuneration paid to an individual by an employer during that  
12 period with respect to employment which does not exceed the  
13 following amounts: \$10,500 with respect to the calendar year  
14 2005; \$11,000 with respect to the calendar year 2006; \$11,500  
15 with respect to the calendar year 2007; \$12,000 with respect to  
16 the calendar year 2008; and \$12,300 with respect to the  
17 calendar year 2009.

18 Except as otherwise provided in subsection A-1, with ~~With~~  
19 ~~respect to the calendar~~ years ~~year~~ 2010, 2011, 2013, and each  
20 calendar year thereafter, the term "wages" shall include only  
21 the remuneration paid to an individual by an employer during  
22 that period with respect to employment which does not exceed  
23 the sum of the wage base adjustment applicable to that year  
24 pursuant to Section 1400.1, plus the maximum amount includable  
25 as "wages" pursuant to this subsection with respect to the  
26 immediately preceding calendar year; for purposes of this

1 sentence, the maximum amount includable as "wages" with respect  
2 to calendar year 2013 shall be calculated as though the maximum  
3 amount includable as "wages" with respect to calendar year 2012  
4 had been calculated pursuant to this sentence. With respect to  
5 calendar year 2012, to offset the loss of revenue to the  
6 State's account in the unemployment trust fund with respect to  
7 the first quarter of calendar year 2011 as a result of Section  
8 1506.5 and the changes made by this amendatory Act of the 97th  
9 General Assembly to Section 1506.3, the term "wages" shall  
10 include only the remuneration paid to an individual by an  
11 employer during that period with respect to employment which  
12 does not exceed \$13,560. Notwithstanding any provision to the  
13 contrary, the maximum amount includable as "wages" pursuant to  
14 this Section shall not be less than \$12,300 or greater than  
15 \$12,960 with respect to any calendar year after calendar year  
16 2009 except calendar year 2012 and except as otherwise provided  
17 in subsection A-1.

18 The remuneration paid to an individual by an employer with  
19 respect to employment in another State or States, upon which  
20 contributions were required of such employer under an  
21 unemployment compensation law of such other State or States,  
22 shall be included as a part of the remuneration herein referred  
23 to. For the purposes of this subsection, any employing unit  
24 which succeeds to the organization, trade, or business, or to  
25 substantially all of the assets of another employing unit, or  
26 to the organization, trade, or business, or to substantially

1 all of the assets of a distinct severable portion of another  
2 employing unit, shall be treated as a single unit with its  
3 predecessor for the calendar year in which such succession  
4 occurs; any employing unit which is owned or controlled by the  
5 same interests which own or control another employing unit  
6 shall be treated as a single unit with the unit so owned or  
7 controlled by such interests for any calendar year throughout  
8 which such ownership or control exists; and, with respect to  
9 any trade or business transfer subject to subsection A of  
10 Section 1507.1, a transferee, as defined in subsection G of  
11 Section 1507.1, shall be treated as a single unit with the  
12 transferor, as defined in subsection G of Section 1507.1, for  
13 the calendar year in which the transfer occurs. This subsection  
14 applies only to Sections 1400, 1405A, and 1500.

15 A-1. If, by March 1, 2013, the payments attributable to the  
16 changes to subsection A by this or any subsequent amendatory  
17 Act of the 97th General Assembly do not equal or exceed the  
18 loss to this State's account in the unemployment trust fund as  
19 a result of Section 1506.5 and the changes made to Section  
20 1506.3 by this or any subsequent amendatory Act of the 97th  
21 General Assembly, including unrealized interest, then, with  
22 respect to calendar year 2013, the term "wages" shall include  
23 only the remuneration paid to an individual by an employer  
24 during that period with respect to employment which does not  
25 exceed \$13,560. For purposes of subsection A, if the maximum  
26 amount includable as "wages" with respect to calendar year 2013

1 is \$13,560, the maximum amount includable as "wages" with  
2 respect to calendar year 2014 shall be calculated as though the  
3 maximum amount includable as "wages" with respect to calendar  
4 year 2013 had been calculated pursuant to subsection A, without  
5 regard to this Section.

6 B. The amount of any payment (including any amount paid by  
7 an employer for insurance or annuities, or into a fund, to  
8 provide for any such payment), made to, or on behalf of, an  
9 individual or any of his dependents under a plan or system  
10 established by an employer which makes provision generally for  
11 individuals performing services for him (or for such  
12 individuals generally and their dependents) or for a class or  
13 classes of such individuals (or for a class or classes of such  
14 individuals and their dependents), on account of (1) sickness  
15 or accident disability (except those sickness or accident  
16 disability payments which would be includable as "wages" in  
17 Section 3306(b)(2)(A) of the Federal Internal Revenue Code of  
18 1954, in effect on January 1, 1985, such includable payments to  
19 be attributable in such manner as provided by Section 3306(b)  
20 of the Federal Internal Revenue Code of 1954, in effect on  
21 January 1, 1985), or (2) medical or hospitalization expenses in  
22 connection with sickness or accident disability, or (3) death.

23 C. Any payment made to, or on behalf of, an employee or his  
24 beneficiary which would be excluded from "wages" by  
25 subparagraph (A), (B), (C), (D), (E), (F) or (G), of Section  
26 3306(b)(5) of the Federal Internal Revenue Code of 1954, in

1 effect on January 1, 1985.

2 D. The amount of any payment on account of sickness or  
3 accident disability, or medical or hospitalization expenses in  
4 connection with sickness or accident disability, made by an  
5 employer to, or on behalf of, an individual performing services  
6 for him after the expiration of six calendar months following  
7 the last calendar month in which the individual performed  
8 services for such employer.

9 E. Remuneration paid in any medium other than cash by an  
10 employing unit to an individual for service in agricultural  
11 labor as defined in Section 214.

12 F. The amount of any supplemental payment made by an  
13 employer to an individual performing services for him, other  
14 than remuneration for services performed, under a shared work  
15 plan approved by the Director pursuant to Section 407.1.

16 (Source: P.A. 93-634, eff. 1-1-04; 93-676, eff. 6-22-04;  
17 94-301, eff. 1-1-06.)

18 (820 ILCS 405/403) (from Ch. 48, par. 403)

19 Sec. 403. Maximum total amount of benefits.) A. With  
20 respect to any benefit year beginning prior to September 30,  
21 1979, any otherwise eligible individual shall be entitled,  
22 during such benefit year, to a maximum total amount of benefits  
23 as shall be determined in the manner set forth in this Act as  
24 amended and in effect on November 9, 1977.

25 B. With respect to any benefit year beginning on or after

1 September 30, 1979, except as otherwise provided in this  
2 Section, any otherwise eligible individual shall be entitled,  
3 during such benefit year, to a maximum total amount of benefits  
4 equal to 26 times his or her weekly benefit amount plus  
5 dependents' ~~dependents~~ allowances, or to the total wages for  
6 insured work paid to such individual during the individual's  
7 base period, whichever amount is smaller. With respect to any  
8 benefit year beginning in calendar year 2012, any otherwise  
9 eligible individual shall be entitled, during such benefit  
10 year, to a maximum total amount of benefits equal to 25 times  
11 his or her weekly benefit amount plus dependents' allowances,  
12 or to the total wages for insured work paid to such individual  
13 during the individual's base period, whichever amount is  
14 smaller. If the maximum amount includable as "wages" pursuant  
15 to Section 235 is \$13,560 with respect to calendar year 2013,  
16 then, with respect to any benefit year beginning after March  
17 31, 2013 and before April 1, 2014, any otherwise eligible  
18 individual shall be entitled, during such benefit year, to a  
19 maximum total amount of benefits equal to 25 times his or her  
20 weekly benefit amount plus dependents allowances, or to the  
21 total wages for insured work paid to such individual during the  
22 individual's base period, whichever amount is smaller.

23 (Source: P.A. 81-962.)

24 (820 ILCS 405/409) (from Ch. 48, par. 409)

25 Sec. 409. Extended Benefits.

1           A. For the purposes of this Section:

2           1. "Extended benefit period" means a period which  
3 begins with the third week after a week for which there is  
4 a State "on" indicator; and ends with either of the  
5 following weeks, whichever occurs later: (1) the third week  
6 after the first week for which there is a State "off"  
7 indicator, or (2) the thirteenth consecutive week of such  
8 period. No extended benefit period shall begin by reason of  
9 a State "on" indicator before the fourteenth week following  
10 the end of a prior extended benefit period.

11           2. There is a "State 'on' indicator" for a week if (a)  
12 the Director determines, in accordance with the  
13 regulations of the United States Secretary of Labor or  
14 other appropriate Federal agency, that for the period  
15 consisting of such week and the immediately preceding  
16 twelve weeks, the rate of insured unemployment (not  
17 seasonally adjusted) in this State (1) equaled or exceeded  
18 5% and equaled or exceeded 120% of the average of such  
19 rates for the corresponding 13-week period ending in each  
20 of the preceding 2 calendar years, or (2) equaled or  
21 exceeded 6 percent, or (b) the United States Secretary of  
22 Labor determines that (1) the average rate of total  
23 unemployment in this State (seasonally adjusted) for the  
24 period consisting of the most recent 3 months for which  
25 data for all states are published before the close of such  
26 week equals or exceeds 6.5%, and (2) the average rate of

1 total unemployment in this State (seasonally adjusted) for  
2 the 3-month period referred to in (1) equals or exceeds  
3 110% of such average rate for either (or both) of the  
4 corresponding 3-month periods ending in the 2 preceding  
5 calendar years. Clause (b) of this paragraph shall only  
6 apply to weeks beginning on or after February 22, 2009,  
7 through the end of the fourth week ~~ending 3 weeks~~ prior to  
8 the last week for which federal sharing is provided as  
9 authorized by Section 2005(a) of Public Law 111-5 without  
10 regard to Section 2005(c) of Public Law 111-5 and is  
11 inoperative as of the end of the last week for which  
12 federal sharing is provided as authorized by Section  
13 2005(a) of Public Law 111-5.

14 2.1. With respect to benefits for weeks of unemployment  
15 beginning after December 17, 2010, and ending on or before  
16 the earlier of the latest date permitted under federal law  
17 or the end of the fourth week prior to the last week for  
18 which federal sharing is provided as authorized by Section  
19 2005(a) of Public Law 111-5 without regard to Section  
20 2005(c) of Public Law 111-5, the determination of whether  
21 there has been a State "on" indicator pursuant to paragraph  
22 2 shall be made as if, in clause (a) of paragraph 2, the  
23 phrase "2 calendar years" were "3 calendar years" and as  
24 if, in clause (b) of paragraph 2, the word "either" were  
25 "any", the word "both" were "all", and the phrase "2  
26 preceding calendar years" were "3 preceding calendar

1           years".

2           3. There is a "State 'off' indicator" for a week if  
3 there is not a State 'on' indicator for the week pursuant  
4 to paragraph 2.

5           4. "Rate of insured unemployment", for the purpose of  
6 paragraph 2, means the percentage derived by dividing (a)  
7 the average weekly number of individuals filing claims for  
8 "regular benefits" in this State for weeks of unemployment  
9 with respect to the most recent 13 consecutive week period,  
10 as determined by the Director on the basis of his reports  
11 to the United States Secretary of Labor or other  
12 appropriate Federal agency, by (b) the average monthly  
13 employment covered under this Act for the first four of the  
14 most recent six completed calendar quarters ending before  
15 the close of such 13-week period.

16           5. "Regular benefits" means benefits, other than  
17 extended benefits and additional benefits, payable to an  
18 individual (including dependents' allowances) under this  
19 Act or under any other State unemployment compensation law  
20 (including benefits payable to Federal civilian employees  
21 and ex-servicemen pursuant to 5 U.S.C. chapter 85).

22           6. "Extended benefits" means benefits (including  
23 benefits payable to Federal civilian employees and  
24 ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to  
25 an individual under the provisions of this Section for  
26 weeks which begin in his eligibility period.

1           7. "Additional benefits" means benefits totally  
2           financed by a State and payable to exhaustees (as defined  
3           in subsection C) by reason of conditions of high  
4           unemployment or by reason of other specified factors. If an  
5           individual is eligible to receive extended benefits under  
6           the provisions of this Section and is eligible to receive  
7           additional benefits with respect to the same week under the  
8           law of another State, he may elect to claim either extended  
9           benefits or additional benefits with respect to the week.

10          8. "Eligibility period" means the period consisting of  
11          the weeks in an individual's benefit year which begin in an  
12          extended benefit period and, if his benefit year ends  
13          within such extended benefit period, any weeks thereafter  
14          which begin in such period. An individual's eligibility  
15          period shall also include such other weeks as federal law  
16          may allow.

17          9. Notwithstanding any other provision to the  
18          contrary, no employer shall be liable for payments in lieu  
19          of contributions pursuant to Section 1404, by reason of the  
20          payment of extended benefits which are wholly reimbursed to  
21          this State by the Federal Government or would have been  
22          wholly reimbursed to this State by the Federal Government  
23          if the employer had paid all of the claimant's wages during  
24          the applicable base period. Extended benefits shall not  
25          become benefit charges under Section 1501.1 if they are  
26          wholly reimbursed to this State by the Federal Government

1 or would have been wholly reimbursed to this State by the  
2 Federal Government if the employer had paid all of the  
3 claimant's wages during the applicable base period. For  
4 purposes of this paragraph, extended benefits will be  
5 considered to be wholly reimbursed by the Federal  
6 Government notwithstanding the operation of Section  
7 204(a)(2)(D) of the Federal-State Extended Unemployment  
8 Compensation Act of 1970.

9 B. An individual shall be eligible to receive extended  
10 benefits pursuant to this Section for any week which begins in  
11 his eligibility period if, with respect to such week (1) he has  
12 been paid wages for insured work during his base period equal  
13 to at least 1 1/2 times the wages paid in that calendar quarter  
14 of his base period in which such wages were highest; (2) he has  
15 met the requirements of Section 500E of this Act; (3) he is an  
16 exhaustee; and (4) except when the result would be inconsistent  
17 with the provisions of this Section, he has satisfied the  
18 requirements of this Act for the receipt of regular benefits.

19 C. An individual is an exhaustee with respect to a week  
20 which begins in his eligibility period if:

21 1. Prior to such week (a) he has received, with respect  
22 to his current benefit year that includes such week, the  
23 maximum total amount of benefits to which he was entitled  
24 under the provisions of Section 403B, and all of the  
25 regular benefits (including dependents' allowances) to  
26 which he had entitlement (if any) on the basis of wages or

1 employment under any other State unemployment compensation  
2 law; or (b) he has received all the regular benefits  
3 available to him with respect to his current benefit year  
4 that includes such week, under this Act and under any other  
5 State unemployment compensation law, after a cancellation  
6 of some or all of his wage credits or the partial or total  
7 reduction of his regular benefit rights; or (c) his benefit  
8 year terminated, and he cannot meet the qualifying wage  
9 requirements of Section 500E of this Act or the qualifying  
10 wage or employment requirements of any other State  
11 unemployment compensation law to establish a new benefit  
12 year which would include such week or, having established a  
13 new benefit year that includes such week, he is ineligible  
14 for regular benefits by reason of Section 607 of this Act  
15 or a like provision of any other State unemployment  
16 compensation law; and

17 2. For such week (a) he has no right to benefits or  
18 allowances, as the case may be, under the Railroad  
19 Unemployment Insurance Act, or such other Federal laws as  
20 are specified in regulations of the United States Secretary  
21 of Labor or other appropriate Federal agency; and (b) he  
22 has not received and is not seeking benefits under the  
23 unemployment compensation law of Canada, except that if he  
24 is seeking such benefits and the appropriate agency finally  
25 determines that he is not entitled to benefits under such  
26 law, this clause shall not apply.

1           3. For the purposes of clauses (a) and (b) of paragraph  
2 1 of this subsection, an individual shall be deemed to have  
3 received, with respect to his current benefit year, the  
4 maximum total amount of benefits to which he was entitled  
5 or all of the regular benefits to which he had entitlement,  
6 or all of the regular benefits available to him, as the  
7 case may be, even though (a) as a result of a pending  
8 reconsideration or appeal with respect to the "finding"  
9 defined in Section 701, or of a pending appeal with respect  
10 to wages or employment or both under any other State  
11 unemployment compensation law, he may subsequently be  
12 determined to be entitled to more regular benefits; or (b)  
13 by reason of a seasonality provision in a State  
14 unemployment compensation law which establishes the weeks  
15 of the year for which regular benefits may be paid to  
16 individuals on the basis of wages in seasonal employment he  
17 may be entitled to regular benefits for future weeks but  
18 such benefits are not payable with respect to the week for  
19 which he is claiming extended benefits, provided that he is  
20 otherwise an exhaustee under the provisions of this  
21 subsection with respect to his rights to regular benefits,  
22 under such seasonality provision, during the portion of the  
23 year in which that week occurs; or (c) having established a  
24 benefit year, no regular benefits are payable to him with  
25 respect to such year because his wage credits were  
26 cancelled or his rights to regular benefits were totally

1 reduced by reason of the application of a disqualification  
2 provision of a State unemployment compensation law.

3 D. 1. The provisions of Section 607 and the waiting period  
4 requirements of Section 500D shall not be applicable to any  
5 week with respect to which benefits are otherwise payable  
6 under this Section.

7 2. An individual shall not cease to be an exhaustee  
8 with respect to any week solely because he meets the  
9 qualifying wage requirements of Section 500E for a part of  
10 such week.

11 E. With respect to any week which begins in his eligibility  
12 period, an exhaustee's "weekly extended benefit amount" shall  
13 be the same as his weekly benefit amount during his benefit  
14 year which includes such week or, if such week is not in a  
15 benefit year, during his applicable benefit year, as defined in  
16 regulations issued by the United States Secretary of Labor or  
17 other appropriate Federal agency. If the exhaustee had more  
18 than one weekly benefit amount during his benefit year, his  
19 weekly extended benefit amount with respect to such week shall  
20 be the latest of such weekly benefit amounts.

21 F. 1. An eligible exhaustee shall be entitled, during any  
22 eligibility period, to a maximum total amount of extended  
23 benefits equal to the lesser of the following amounts:

24 a. Fifty percent of the maximum total amount of  
25 benefits to which he was entitled under Section 403B during  
26 his applicable benefit year;

1           b. Thirteen times his weekly extended benefit amount as  
2           determined under subsection E; or

3           c. Thirty-nine times his or her average weekly extended  
4           benefit amount, reduced by the regular benefits (not  
5           including any dependents' allowances) paid to him or her  
6           during such benefit year.

7           2. An eligible exhaustee shall be entitled, during a "high  
8           unemployment period", to a maximum total amount of extended  
9           benefits equal to the lesser of the following amounts:

10           a. Eighty percent of the maximum total amount of  
11           benefits to which he or she was entitled under Section 403B  
12           during his or her applicable benefit year;

13           b. Twenty times his or her weekly extended benefit  
14           amount as determined under subsection E; or

15           c. Forty-six times his or her average weekly extended  
16           benefit amount, reduced by the regular benefits (not  
17           including any dependents' allowances) paid to him or her  
18           during such benefit year.

19           For purposes of this paragraph, the term "high unemployment  
20           period" means any period during which (i) clause (b) of  
21           paragraph (2) of subsection A is operative and (ii) an extended  
22           benefit period would be in effect if clause (b) of paragraph  
23           (2) of subsection A of this Section were applied by  
24           substituting "8%" for "6.5%".

25           3. Notwithstanding paragraphs 1 and 2 of this subsection F,  
26           and if the benefit year of an individual ends within an

1 extended benefit period, the remaining balance of extended  
2 benefits that the individual would, but for this subsection F,  
3 be otherwise entitled to receive in that extended benefit  
4 period, for weeks of unemployment beginning after the end of  
5 the benefit year, shall be reduced (but not below zero) by the  
6 product of the number of weeks for which the individual  
7 received any amounts as trade readjustment allowances as  
8 defined in the federal Trade Act of 1974 within that benefit  
9 year multiplied by his weekly benefit amount for extended  
10 benefits.

11 G. 1. A claims adjudicator shall examine the first claim  
12 filed by an individual with respect to his eligibility  
13 period and, on the basis of the information in his  
14 possession, shall make an "extended benefits finding".  
15 Such finding shall state whether or not the individual has  
16 met the requirement of subsection B(1), is an exhaustee  
17 and, if he is, his weekly extended benefit amount and the  
18 maximum total amount of extended benefits to which he is  
19 entitled. The claims adjudicator shall promptly notify the  
20 individual of his "extended benefits finding", and shall  
21 promptly notify the individual's most recent employing  
22 unit and the individual's last employer (referred to in  
23 Section 1502.1) that the individual has filed a claim for  
24 extended benefits. The claims adjudicator may reconsider  
25 his "extended benefits finding" at any time within one year  
26 after the close of the individual's eligibility period, and

1 shall promptly notify the individual of such reconsidered  
2 finding. All of the provisions of this Act applicable to  
3 reviews from findings or reconsidered findings made  
4 pursuant to Sections 701 and 703 which are not inconsistent  
5 with the provisions of this subsection shall be applicable  
6 to reviews from extended benefits findings and  
7 reconsidered extended benefits findings.

8 2. If, pursuant to the reconsideration or appeal with  
9 respect to a "finding", referred to in paragraph 3 of  
10 subsection C, an exhaustee is found to be entitled to more  
11 regular benefits and, by reason thereof, is entitled to  
12 more extended benefits, the claims adjudicator shall make a  
13 reconsidered extended benefits finding and shall promptly  
14 notify the exhaustee thereof.

15 H. Whenever an extended benefit period is to begin in this  
16 State because there is a State "on" indicator, or whenever an  
17 extended benefit period is to end in this State because there  
18 is a State "off" indicator, the Director shall make an  
19 appropriate public announcement.

20 I. Computations required by the provisions of paragraph 4  
21 of subsection A shall be made by the Director in accordance  
22 with regulations prescribed by the United States Secretary of  
23 Labor, or other appropriate Federal agency.

24 J. 1. Interstate Benefit Payment Plan means the plan  
25 approved by the Interstate Conference of Employment  
26 Security Agencies under which benefits shall be payable to

1 unemployed individuals absent from the state (or states) in  
2 which benefit credits have been accumulated.

3 2. An individual who commutes from his state of  
4 residence to work in another state and continues to reside  
5 in such state of residence while filing his claim for  
6 unemployment insurance under this Section of the Act shall  
7 not be considered filing a claim under the Interstate  
8 Benefit Payment Plan so long as he files his claim in and  
9 continues to report to the employment office under the  
10 regulations applicable to intrastate claimants in the  
11 state in which he was so employed.

12 3. "State" when used in this subsection includes States  
13 of the United States of America, the District of Columbia,  
14 Puerto Rico and the Virgin Islands. For purposes of this  
15 subsection, the term "state" shall also be construed to  
16 include Canada.

17 4. Notwithstanding any other provision of this Act, an  
18 individual shall be eligible for a maximum of 2 weeks of  
19 benefits payable under this Section after he files his  
20 initial claim for extended benefits in an extended benefit  
21 period, as defined in paragraph 1 of subsection A, under  
22 the Interstate Benefit Payment Plan unless there also  
23 exists an extended benefit period, as defined in paragraph  
24 1 of subsection A, in the state where such claim is filed.  
25 Such maximum eligibility shall continue as long as the  
26 individual continues to file his claim under the Interstate

1           Benefit Payment Plan, notwithstanding that the individual  
2           moves to another state where an extended benefit period  
3           exists and files for weeks prior to his initial Interstate  
4           claim in that state.

5           5. To assure full tax credit to the employers of this  
6           state against the tax imposed by the Federal Unemployment  
7           Tax Act, the Director shall take any action or issue any  
8           regulations necessary in the administration of this  
9           subsection to insure that its provisions are so interpreted  
10          and applied as to meet the requirements of such Federal Act  
11          as interpreted by the United States Secretary of Labor or  
12          other appropriate Federal agency.

13          K. 1. Notwithstanding any other provisions of this Act, an  
14          individual shall be ineligible for the payment of extended  
15          benefits for any week of unemployment in his eligibility  
16          period if the Director finds that during such period:

17                  a. he failed to accept any offer of suitable work  
18                  (as defined in paragraph 3 below) or failed to apply  
19                  for any suitable work to which he was referred by the  
20                  Director; or

21                  b. he failed to actively engage in seeking work as  
22                  prescribed under paragraph 5 below.

23          2. Any individual who has been found ineligible for  
24          extended benefits by reason of the provisions of paragraph  
25          1 of this subsection shall be denied benefits beginning  
26          with the first day of the week in which such failure has

1 occurred and until he has been employed in each of 4  
2 subsequent weeks (whether or not consecutive) and has  
3 earned remuneration equal to at least 4 times his weekly  
4 benefit amount.

5 3. For purposes of this subsection only, the term  
6 "suitable work" means, with respect to any individual, any  
7 work which is within such individual's capabilities,  
8 provided, however, that the gross average weekly  
9 remuneration payable for the work:

10 a. must exceed the sum of (i) the individual's  
11 extended weekly benefit amount as determined under  
12 subsection E above plus (ii) the amount, if any, of  
13 supplemental unemployment benefits (as defined in  
14 Section 501(c)(17)(D) of the Internal Revenue Code of  
15 1954) payable to such individual for such week; and  
16 further,

17 b. is not less than the higher of --

18 (i) the minimum wage provided by Section 6  
19 (a)(1) of the Fair Labor Standards Act of 1938,  
20 without regard to any exemption; or

21 (ii) the applicable state or local minimum  
22 wage;

23 c. provided, however, that no individual shall be  
24 denied extended benefits for failure to accept an offer  
25 of or apply for any job which meets the definition of  
26 suitability as described above if:

1           (i) the position was not offered to such  
2 individual in writing or was not listed with the  
3 employment service;

4           (ii) such failure could not result in a denial  
5 of benefits under the definition of suitable work  
6 for regular benefits claimants in Section 603 to  
7 the extent that the criteria of suitability in that  
8 Section are not inconsistent with the provisions  
9 of this paragraph 3;

10           (iii) the individual furnishes satisfactory  
11 evidence to the Director that his prospects for  
12 obtaining work in his customary occupation within  
13 a reasonably short period are good. If such  
14 evidence is deemed satisfactory for this purpose,  
15 the determination of whether any work is suitable  
16 with respect to such individual shall be made in  
17 accordance with the definition of suitable work  
18 for regular benefits in Section 603 without regard  
19 to the definition specified by this paragraph.

20           4. Notwithstanding the provisions of paragraph 3 to the  
21 contrary, no work shall be deemed to be suitable work for  
22 an individual which does not accord with the labor standard  
23 provisions required by Section 3304(a)(5) of the Internal  
24 Revenue Code of 1954 and set forth herein under Section 603  
25 of this Act.

26           5. For the purposes of subparagraph b of paragraph 1,

1 an individual shall be treated as actively engaged in  
2 seeking work during any week if --

3 a. the individual has engaged in a systematic and  
4 sustained effort to obtain work during such week, and

5 b. the individual furnishes tangible evidence that  
6 he has engaged in such effort during such week.

7 6. The employment service shall refer any individual  
8 entitled to extended benefits under this Act to any  
9 suitable work which meets the criteria prescribed in  
10 paragraph 3.

11 7. Notwithstanding any other provision of this Act, an  
12 individual shall not be eligible to receive extended  
13 benefits, otherwise payable under this Section, with  
14 respect to any week of unemployment in his eligibility  
15 period if such individual has been held ineligible for  
16 benefits under the provisions of Sections 601, 602 or 603  
17 of this Act until such individual had requalified for such  
18 benefits by returning to employment and satisfying the  
19 monetary requalification provision by earning at least his  
20 weekly benefit amount.

21 L. The Governor may, if federal law so allows, elect, in  
22 writing, to pay individuals, otherwise eligible for extended  
23 benefits pursuant to this Section, any other federally funded  
24 unemployment benefits, including but not limited to benefits  
25 payable pursuant to the federal Supplemental Appropriations  
26 Act, 2008, as amended, prior to paying them benefits under this

1 Section.

2 M. The provisions of this Section, as revised by this  
3 amendatory Act of the 96th General Assembly, are retroactive to  
4 February 22, 2009. The provisions of this amendatory Act of the  
5 96th General Assembly with regard to subsection L and paragraph  
6 8 of subsection A clarify authority already provided.

7 (Source: P.A. 96-30, eff. 6-30-09.)

8 (820 ILCS 405/1506.3) (from Ch. 48, par. 576.3)

9 Sec. 1506.3. Fund building rates - Temporary  
10 Administrative Funding.

11 A. Notwithstanding any other provision of this Act, the  
12 following fund building rates shall be in effect for the  
13 following calendar years:

14 For each employer whose contribution rate for 1988, 1989,  
15 1990, the first, third, and fourth quarters of 1991, 1992,  
16 1993, 1994, 1995, and 1997 through 2003 would, in the absence  
17 of this Section, be 0.2% or higher, a contribution rate which  
18 is the sum of such rate and a fund building rate of 0.4%;

19 For each employer whose contribution rate for the second  
20 quarter of 1991 would, in the absence of this Section, be 0.2%  
21 or higher, a contribution rate which is the sum of such rate  
22 and 0.3%;

23 For each employer whose contribution rate for 1996 would,  
24 in the absence of this Section, be 0.1% or higher, a  
25 contribution rate which is the sum of such rate and 0.4%;

1           For each employer whose contribution rate for 2004 through  
2 2009 would, in the absence of this Section, be 0.2% or higher,  
3 a contribution rate which is the sum of such rate and the  
4 following: a fund building rate of 0.7% for 2004; a fund  
5 building rate of 0.9% for 2005; a fund building rate of 0.8%  
6 for 2006 and 2007; a fund building rate of 0.6% for 2008; a  
7 fund building rate of 0.4% for 2009.

8           For each employer whose contribution rate for 2010 and any  
9 calendar year thereafter would, in the absence of this Section,  
10 be 0.2% or higher, a contribution rate which is the sum of such  
11 rate and a fund building rate equal to the sum of the rate  
12 adjustment applicable to that year pursuant to Section 1400.1,  
13 plus the fund building rate in effect pursuant to this Section  
14 for the immediately preceding calendar year. Notwithstanding  
15 any provision to the contrary, the fund building rate in effect  
16 for any calendar year after calendar year 2009 shall not be  
17 less than 0.4% or greater than 0.55%. Notwithstanding any other  
18 provision to the contrary, the fund building rate established  
19 pursuant to this Section shall not apply with respect to the  
20 first quarter of calendar year 2011. The changes made to  
21 Section 235 by this amendatory Act of the 97th General Assembly  
22 are intended to offset the loss of revenue to the State's  
23 account in the unemployment trust fund with respect to the  
24 first quarter of calendar year 2011 as a result of Section  
25 1506.5 and the changes made to this Section by this amendatory  
26 Act of the 97th General Assembly.

1           Notwithstanding the preceding paragraphs of this Section  
2 or any other provision of this Act, except for the provisions  
3 contained in Section 1500 pertaining to rates applicable to  
4 employers classified under the Standard Industrial Code, or  
5 another classification system sanctioned by the United States  
6 Department of Labor and prescribed by the Director by rule, no  
7 employer whose total wages for insured work paid by him during  
8 any calendar quarter in 1988 and any calendar year thereafter  
9 are less than \$50,000 shall pay contributions at a rate with  
10 respect to such quarter which exceeds the following: with  
11 respect to calendar year 1988, 5%; with respect to 1989 and any  
12 calendar year thereafter, 5.4%, plus any penalty contribution  
13 rate calculated pursuant to subsection C of Section 1507.1.

14           Notwithstanding the preceding paragraph of this Section,  
15 or any other provision of this Act, no employer's contribution  
16 rate with respect to calendar years 1993 through 1995 shall  
17 exceed 5.4% if the employer ceased operations at an Illinois  
18 manufacturing facility in 1991 and remained closed at that  
19 facility during all of 1992, and the employer in 1993 commits  
20 to invest at least \$5,000,000 for the purpose of resuming  
21 operations at that facility, and the employer rehires during  
22 1993 at least 250 of the individuals employed by it at that  
23 facility during the one year period prior to the cessation of  
24 its operations, provided that, within 30 days after the  
25 effective date of this amendatory Act of 1993, the employer  
26 makes application to the Department to have the provisions of

1 this paragraph apply to it. The immediately preceding sentence  
2 shall be null and void with respect to an employer which by  
3 December 31, 1993 has not satisfied the rehiring requirement  
4 specified by this paragraph or which by December 31, 1994 has  
5 not made the investment specified by this paragraph. All  
6 payments attributable to the fund building rate established  
7 pursuant to this Section with respect to the fourth quarter of  
8 calendar year 2003, the first quarter of calendar year 2004 and  
9 any calendar quarter thereafter as of the close of which there  
10 are either bond obligations outstanding pursuant to the  
11 Illinois Unemployment Insurance Trust Fund Financing Act, or  
12 bond obligations anticipated to be outstanding as of either or  
13 both of the 2 immediately succeeding calendar quarters, shall  
14 be directed for deposit into the Master Bond Fund.  
15 Notwithstanding any other provision of this subsection, no fund  
16 building rate shall be added to any penalty contribution rate  
17 assessed pursuant to subsection C of Section 1507.1.

18 B. Notwithstanding any other provision of this Act, for the  
19 second quarter of 1991, the contribution rate of each employer  
20 as determined in accordance with Sections 1500, 1506.1, and  
21 subsection A of this Section shall be equal to the sum of such  
22 rate and 0.1%; provided that this subsection shall not apply to  
23 any employer whose rate computed under Section 1506.1 for such  
24 quarter is between 5.1% and 5.3%, inclusive, and who qualifies  
25 for the 5.4% rate ceiling imposed by the last paragraph of  
26 subsection A for such quarter. All payments made pursuant to

1 this subsection shall be deposited in the Employment Security  
2 Administrative Fund established under Section 2103.1 and used  
3 for the administration of this Act.

4 C. Payments received by the Director which are insufficient  
5 to pay the total contributions due under the Act shall be first  
6 applied to satisfy the amount due pursuant to subsection B.

7 C-1. Payments received by the Director with respect to the  
8 fourth quarter of calendar year 2003, the first quarter of  
9 calendar year 2004 and any calendar quarter thereafter as of  
10 the close of which there are either bond obligations  
11 outstanding pursuant to the Illinois Unemployment Insurance  
12 Trust Fund Financing Act, or bond obligations anticipated to be  
13 outstanding as of either or both of the 2 immediately  
14 succeeding calendar quarters, shall, to the extent they are  
15 insufficient to pay the total amount due under the Act with  
16 respect to the quarter, be first applied to satisfy the amount  
17 due with respect to that quarter and attributable to the fund  
18 building rate established pursuant to this Section.  
19 Notwithstanding any other provision to the contrary, with  
20 respect to an employer whose contribution rate with respect to  
21 a quarter subject to this subsection would have exceeded 5.4%  
22 but for the 5.4% rate ceiling imposed pursuant to subsection A,  
23 the amount due from the employer with respect to that quarter  
24 and attributable to the fund building rate established pursuant  
25 to subsection A shall equal the amount, if any, by which the  
26 amount due and attributable to the 5.4% rate exceeds the amount

1 that would have been due and attributable to the employer's  
2 rate determined pursuant to Sections 1500 and 1506.1, without  
3 regard to the fund building rate established pursuant to  
4 subsection A.

5 D. All provisions of this Act applicable to the collection  
6 or refund of any contribution due under this Act shall be  
7 applicable to the collection or refund of amounts due pursuant  
8 to subsection B and amounts directed pursuant to this Section  
9 for deposit into the Master Bond Fund to the extent they would  
10 not otherwise be considered as contributions.

11 (Source: P.A. 93-634, eff. 1-1-04; 94-301, eff. 1-1-06.)

12 (820 ILCS 405/1506.5 new)

13 Sec. 1506.5. Surcharge; specified period. With respect to  
14 the first quarter of calendar year 2011, each employer shall  
15 pay a surcharge equal to 0.5% of the total wages for insured  
16 work subject to the payment of contributions under Sections  
17 234, 235, and 245. The surcharge established by this Section  
18 shall be due at the same time as contributions with respect to  
19 the first quarter of calendar year 2011 are due, as provided in  
20 Section 1400. Notwithstanding any other provision to the  
21 contrary, with respect to an employer whose contribution rate  
22 with respect to the first quarter of calendar year 2011,  
23 calculated without regard to this amendatory Act of the 97th  
24 General Assembly, would have exceeded 5.4% but for the 5.4%  
25 rate ceiling imposed pursuant to subsection A of Section

1 1506.3, the amount due from the employer with respect to that  
2 quarter and attributable to the surcharge established pursuant  
3 to this Section shall equal the amount, if any, by which the  
4 amount due and attributable to the 5.4% rate exceeds the amount  
5 that would have been due and attributable to the employer's  
6 rate determined pursuant to Sections 1500 and 1506.1. Payments  
7 received by the Director with respect to the first quarter of  
8 calendar year 2011 shall, to the extent they are insufficient  
9 to pay the total amount due under the Act with respect to the  
10 quarter, be first applied to satisfy the amount due with  
11 respect to that quarter and attributable to the surcharge  
12 established pursuant to this Section. All provisions of this  
13 Act applicable to the collection or refund of any contribution  
14 due under this Act shall be applicable to the collection or  
15 refund of amounts due pursuant to this Section. Interest shall  
16 accrue with respect to amounts due pursuant to this Section to  
17 the same extent and under the same terms and conditions as  
18 provided by Section 1401 with respect to contributions. The  
19 changes made to Section 235 by this amendatory Act of the 97th  
20 General Assembly are intended to offset the loss of revenue to  
21 the State's account in the unemployment trust fund with respect  
22 to the first quarter of calendar year 2011 as a result of this  
23 Section 1506.5 and the changes made to Section 1506.3 by this  
24 amendatory Act of the 97th General Assembly.

1           Sec. 2100. Handling of funds - Bond - Accounts.

2           A. All contributions and payments in lieu of contributions  
3 collected under this Act, including but not limited to fund  
4 building receipts and receipts attributable to the surcharge  
5 established pursuant to Section 1506.5, together with any  
6 interest thereon; all penalties collected pursuant to this Act;  
7 any property or securities acquired through the use thereof;  
8 all moneys advanced to this State's account in the unemployment  
9 trust fund pursuant to the provisions of Title XII of the  
10 Social Security Act, as amended; all moneys directed for  
11 transfer from the Master Bond Fund or the Title XII Interest  
12 Fund to this State's account in the unemployment trust fund;  
13 all moneys received from the Federal government as  
14 reimbursements pursuant to Section 204 of the Federal-State  
15 Extended Unemployment Compensation Act of 1970, as amended; all  
16 moneys credited to this State's account in the unemployment  
17 trust fund pursuant to Section 903 of the Federal Social  
18 Security Act, as amended; and all earnings of such property or  
19 securities and any interest earned upon any such moneys shall  
20 be paid or turned over to and held by the Director, as  
21 ex-officio custodian of the clearing account, the unemployment  
22 trust fund account and the benefit account, and by the State  
23 Treasurer, as ex-officio custodian of the special  
24 administrative account, separate and apart from all public  
25 moneys or funds of this State, as hereinafter provided. Such  
26 moneys shall be administered by the Director exclusively for

1 the purposes of this Act.

2 No such moneys shall be paid or expended except upon the  
3 direction of the Director in accordance with such regulations  
4 as he shall prescribe pursuant to the provisions of this Act.

5 The State Treasurer shall be liable on his general official  
6 bond for the faithful performance of his duties in connection  
7 with the moneys in the special administrative account provided  
8 for under this Act. Such liability on his official bond shall  
9 exist in addition to the liability upon any separate bond given  
10 by him. All sums recovered for losses sustained by the account  
11 shall be deposited in that account.

12 The Director shall be liable on his general official bond  
13 for the faithful performance of his duties in connection with  
14 the moneys in the clearing account, the benefit account and  
15 unemployment trust fund account provided for under this Act.  
16 Such liability on his official bond shall exist in addition to  
17 the liability upon any separate bond given by him. All sums  
18 recovered for losses sustained by any one of the accounts shall  
19 be deposited in the account that sustained such loss.

20 The Treasurer shall maintain for such moneys a special  
21 administrative account. The Director shall maintain for such  
22 moneys 3 separate accounts: a clearing account, a benefit  
23 account and an unemployment trust fund account. All moneys  
24 payable under this Act (except moneys requisitioned from this  
25 State's account in the unemployment trust fund and deposited in  
26 the benefit account and moneys directed for deposit into the

1 Special Programs Fund provided for under Section 2107),  
2 including but not limited to moneys directed for transfer from  
3 the Master Bond Fund or the Title XII Interest Fund to this  
4 State's account in the unemployment trust fund, upon receipt  
5 thereof by the Director, shall be immediately deposited in the  
6 clearing account; provided, however, that, except as is  
7 otherwise provided in this Section, interest and penalties  
8 shall not be deemed a part of the clearing account but shall be  
9 transferred immediately upon clearance thereof to the special  
10 administrative account; further provided that an amount not to  
11 exceed \$90,000,000 in payments attributable to the surcharge  
12 established pursuant to Section 1506.5, including any interest  
13 thereon, shall not be deemed a part of the clearing account but  
14 shall be transferred immediately upon clearance thereof to the  
15 Title XII Interest Fund.

16 After clearance thereof, all other moneys in the clearing  
17 account shall be immediately deposited by the Director with the  
18 Secretary of the Treasury of the United States of America to  
19 the credit of the account of this State in the unemployment  
20 trust fund, established and maintained pursuant to the Federal  
21 Social Security Act, as amended, except fund building receipts,  
22 which shall be deposited into the Master Bond Fund. The benefit  
23 account shall consist of all moneys requisitioned from this  
24 State's account in the unemployment trust fund. The moneys in  
25 the benefit account shall be expended in accordance with  
26 regulations prescribed by the Director and solely for the

1 payment of benefits, refunds of contributions, interest and  
2 penalties under the provisions of the Act, the payment of  
3 health insurance in accordance with Section 410 of this Act,  
4 and the transfer or payment of funds to any Federal or State  
5 agency pursuant to reciprocal arrangements entered into by the  
6 Director under the provisions of Section 2700E, except that  
7 moneys credited to this State's account in the unemployment  
8 trust fund pursuant to Section 903 of the Federal Social  
9 Security Act, as amended, shall be used exclusively as provided  
10 in subsection B. For purposes of this Section only, to the  
11 extent allowed by applicable legal requirements, the payment of  
12 benefits includes but is not limited to the payment of  
13 principal on any bonds issued pursuant to the Illinois  
14 Unemployment Insurance Trust Fund Financing Act, exclusive of  
15 any interest or administrative expenses in connection with the  
16 bonds. The Director shall, from time to time, requisition from  
17 the unemployment trust fund such amounts, not exceeding the  
18 amounts standing to the State's account therein, as he deems  
19 necessary solely for the payment of such benefits, refunds, and  
20 funds, for a reasonable future period. The Director, as  
21 ex-officio custodian of the benefit account, which shall be  
22 kept separate and apart from all other public moneys, shall  
23 issue ~~his checks for the~~ payment of such benefits, refunds,  
24 health insurance and funds solely from the moneys so received  
25 into the benefit account. However, after January 1, 1987, no  
26 payment check shall be drawn on such benefit account unless at

1 the time of drawing there is sufficient money in the account to  
2 make the payment ~~pay the check~~. The Director shall retain in  
3 the clearing account an amount of interest and penalties equal  
4 to the amount of interest and penalties to be refunded from the  
5 benefit account. After clearance thereof, the amount so  
6 retained shall be immediately deposited by the Director, as are  
7 all other moneys in the clearing account, with the Secretary of  
8 the Treasury of the United States. If, at any time, an  
9 insufficient amount of interest and penalties is available for  
10 retention in the clearing account, no refund of interest or  
11 penalties shall be made from the benefit account until a  
12 sufficient amount is available for retention and is so  
13 retained, or until the State Treasurer, upon the direction of  
14 the Director, transfers to the Director a sufficient amount  
15 from the special administrative account, for immediate deposit  
16 in the benefit account.

17 Any balance of moneys requisitioned from the unemployment  
18 trust fund which remains unclaimed or unpaid in the benefit  
19 account after the expiration of the period for which such sums  
20 were requisitioned shall either be deducted from estimates of  
21 and may be utilized for authorized expenditures during  
22 succeeding periods, or, in the discretion of the Director,  
23 shall be redeposited with the Secretary of the Treasury of the  
24 United States to the credit of the State's account in the  
25 unemployment trust fund.

26 Moneys in the clearing, benefit and special administrative

1 accounts shall not be commingled with other State funds but  
2 they shall be deposited as required by law and maintained in  
3 separate accounts on the books of a savings and loan  
4 association or bank.

5 No bank or savings and loan association shall receive  
6 public funds as permitted by this Section, unless it has  
7 complied with the requirements established pursuant to Section  
8 6 of "An Act relating to certain investments of public funds by  
9 public agencies", approved July 23, 1943, as now or hereafter  
10 amended.

11 B. Moneys credited to the account of this State in the  
12 unemployment trust fund by the Secretary of the Treasury of the  
13 United States pursuant to Section 903 of the Social Security  
14 Act may be requisitioned from this State's account and used as  
15 authorized by Section 903. Any interest required to be paid on  
16 advances under Title XII of the Social Security Act shall be  
17 paid in a timely manner and shall not be paid, directly or  
18 indirectly, by an equivalent reduction in contributions or  
19 payments in lieu of contributions from amounts in this State's  
20 account in the unemployment trust fund. Such moneys may be  
21 requisitioned and used for the payment of expenses incurred for  
22 the administration of this Act, but only pursuant to a specific  
23 appropriation by the General Assembly and only if the expenses  
24 are incurred and the moneys are requisitioned after the  
25 enactment of an appropriation law which:

26 1. Specifies the purpose or purposes for which such

1 moneys are appropriated and the amount or amounts  
2 appropriated therefor;

3 2. Limits the period within which such moneys may be  
4 obligated to a period ending not more than 2 years after  
5 the date of the enactment of the appropriation law; and

6 3. Limits the amount which may be obligated during any  
7 fiscal year to an amount which does not exceed the amount  
8 by which (a) the aggregate of the amounts transferred to  
9 the account of this State pursuant to Section 903 of the  
10 Social Security Act exceeds (b) the aggregate of the  
11 amounts used by this State pursuant to this Act and charged  
12 against the amounts transferred to the account of this  
13 State.

14 For purposes of paragraph (3) above, amounts obligated for  
15 administrative purposes pursuant to an appropriation shall be  
16 chargeable against transferred amounts at the exact time the  
17 obligation is entered into. The appropriation, obligation, and  
18 expenditure or other disposition of money appropriated under  
19 this subsection shall be accounted for in accordance with  
20 standards established by the United States Secretary of Labor.

21 Moneys appropriated as provided herein for the payment of  
22 expenses of administration shall be requisitioned by the  
23 Director as needed for the payment of obligations incurred  
24 under such appropriation. Upon requisition, such moneys shall  
25 be deposited with the State Treasurer, who shall hold such  
26 moneys, as ex-officio custodian thereof, in accordance with the

1 requirements of Section 2103 and, upon the direction of the  
2 Director, shall make payments therefrom pursuant to such  
3 appropriation. Moneys so deposited shall, until expended,  
4 remain a part of the unemployment trust fund and, if any will  
5 not be expended, shall be returned promptly to the account of  
6 this State in the unemployment trust fund.

7 C. The Governor is authorized to apply to the United States  
8 Secretary of Labor for an advance or advances to this State's  
9 account in the unemployment trust fund pursuant to the  
10 conditions set forth in Title XII of the Federal Social  
11 Security Act, as amended. The amount of any such advance may be  
12 repaid from this State's account in the unemployment trust  
13 fund.

14 D. The Director shall annually on or before the first day  
15 of March report in writing to the Employment Security Advisory  
16 Board concerning the deposits into and expenditures from this  
17 State's account in the Unemployment Trust Fund.

18 (Source: P.A. 93-634, eff. 1-1-04; 94-1083, eff. 1-19-07.)

19 (820 ILCS 405/2108 new)

20 Sec. 2108. Title XII Interest Fund. The Title XII Interest  
21 Fund shall be held separate and apart from all public moneys or  
22 funds of this State. Payments attributable to the surcharge  
23 established pursuant to Section 1506.5 in an amount not to  
24 exceed \$90,000,000 shall be deposited into the Title XII  
25 Interest Fund, together with any moneys that may otherwise be

1 directed for deposit into that Fund. No such moneys shall be  
2 paid or expended except upon the direction of the Director who,  
3 as ex officio custodian of the Title XII Interest Fund, shall  
4 expend such moneys only for the payment of interest required to  
5 be paid on advances under Title XII of the Social Security Act  
6 or for transfer to this State's account in the unemployment  
7 trust fund. Any funds remaining in the Title XII Interest Fund  
8 after payment of the interest due as of September 30, 2011, on  
9 advances under Title XII of the Social Security Act shall be  
10 transferred to this State's account in the unemployment trust  
11 fund no later than October 31, 2011.

12 Moneys in the Title XII Interest Fund shall not be  
13 commingled with other State funds, but they shall be deposited  
14 as required by law and maintained in a separate account on the  
15 books of a savings and loan association, bank, or other  
16 qualified financial institution. All interest earnings on  
17 amounts within the Title XII Interest Fund shall accrue to the  
18 Title XII Interest Fund. The Director shall be liable on her or  
19 his general official bond for the faithful performance of her  
20 or his duties in connection with the moneys in the Title XII  
21 Interest Fund. Such liability on her or his official bond shall  
22 exist in addition to the liability upon any separate bond given  
23 by her or him. All sums recovered for losses sustained by the  
24 Title XII Interest Fund shall be deposited into the Fund.

25 Section 95. Applicability. Section 1506.5 of the

1 Unemployment Insurance Act and the changes made to Section  
2 1506.3 of the Unemployment Insurance Act apply retroactively to  
3 January 1, 2011, except that a payment which, as of the  
4 effective date of this Act, has already been made with respect  
5 to the first quarter of calendar year 2011 pursuant to the  
6 Unemployment Insurance Act as in effect immediately prior to  
7 the effective date of this Act shall be deposited as required  
8 by the Unemployment Insurance Act as in effect immediately  
9 prior to the effective date of this Act.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.".